



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 11, 2017
MAHS Docket No.: 17-014188
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on November 30, 2017, from Lansing, Michigan. The Petitioner was represented by herself and her mother, [REDACTED], testified on her behalf. The Department was represented by Serlibrity Good.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Medicare Savings Program (MSP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing Medicare Savings Program (MSP) recipient.
2. The Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$968. Exhibit A, pp 6-8.
3. The Petitioner receives monthly pension income in the gross monthly amount of \$278.96. Exhibit A, p 9.
4. The Petitioner receives monthly earned income in the gross monthly amount of \$439. Exhibit A, pp 10-11.
5. On October 24, 2017, the Department received Petitioner's request for a hearing protesting the closure of her Medicare Savings Program (MSP) benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

There are three categories of Medicare Savings Program (MSP) benefits including the Qualified Medicare Beneficiary (QMB), the Special Low-Income Medicare Beneficiary (SLMB), and the Additional Low-Income Medicare Beneficiary (ALMB). QMB pays Medicare premiums, and Medicare coinsurances, and Medicare deductibles. QMB coverage begins the calendar month after the processing month. SLMB pays Medicare Part B premiums. SLMB coverage is available for retro MA months and later months. ALMB pays Medicare Part B premiums provided funding is available. The Department of Community Health notifies the Department of Human Services if funding is available. ALMB coverage is available for retro MA months and later months. Department of Human Services Bridges Eligibility Manual (BEM) 165 (October 1, 2016), pp 2-3.

Petitioner was an ongoing MSP recipient when the Department reviewed her eligibility to receive ongoing benefits. Petitioner receives RSDI benefits in the gross monthly amount of \$968 and a monthly pension in the gross monthly amount of \$278 (rounded to the dollar). The Department credibly determined that Petitioner received earned income in the gross monthly amount of \$439 based on her employer's report that she is paid \$10 per hour approximately 12 hours per week. Petitioner's net income of \$1,413 was determined by reducing her earned income by reducing her gross earned income by \$65, the reducing it again by 50% and then adding her total unearned income. The income limit to receive MSP benefits under any category is \$1,356.50. Department of Health and Human Services Reference Table Manual (RFT) 242 (April 1, 2017), pp 1-2.

Petitioner testified on the record that she was not protesting the Food Assistance Program (FAP).

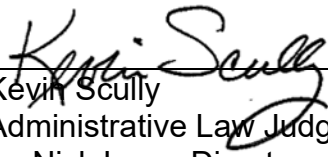
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed Petitioner's Medicare Savings Program (MSP) based on her monthly income.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to the Medicare Savings Program (MSP).

Petitioner's hearing request is **DISMISSED** with respect to the Food Assistance Program (FAP) because she did not intent to request a hearing on that benefit.

KS/nr



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI
48033

Oakland 3 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Petitioner

